

SCHOOL DISTRICT LEGAL STATUS

Code **AA** Revised **11/12**

Purpose: To establish the basic structure of public education in the district.

The federal government has delegated the responsibility for public education to the states.

The South Carolina Constitution has provided for a state system of public education. Under South Carolina law, the control of public instruction is vested in the South Carolina State Board of Education. The state superintendent of education is elected in a partisan election at each general election. The state superintendent is charged with general supervision of education in the state.

The General Assembly of South Carolina has provided for school districts. A school district is an area of territory comprising a legal entity whose sole purpose is that of providing school education, whose boundary lines are a matter of public record, and the area of which constitutes a complete tax unit.

In Spartanburg County the organizational pattern consists of seven school districts, one of which is Spartanburg County School District Four.

Spartanburg County School District Four is a body politic and corporate. Under its name it may sue and be sued. It may enter into contracts to the extent of its school funds and may hold such real and personal property as it may come into possession of by an authorized purchase or by will or otherwise.

Adopted 6/2/80; Revised 6/2/97, 11/5/12

Legal references:

A. S. C. Constitution:

1. Article X, Section 5 – Power of school district to assess and collect taxes.
2. Article XI, Section 1 – Creation of the state board of education.
3. Article XI, Section 2 – Creation of the position of state superintendent of education.
4. Article XI, Section 3 – Provides for a system of free public schools.

B. S. C. Code, 1976, as amended:

1. Title 59, Chapters 1-73 - Public education, K-12.
2. Section 59-1-160 – School district defined.
3. Section 59-3-309 – State superintendent of education
4. Section 59-5-10 – Composition and organization of state board of education
5. Section 59-17-10 – School districts as bodies politic and corporate.
6. Section 59-73-20 – School districts declared tax districts.